

EXHIBIT I



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Transcript of Markcus Kitchens, Jr., M.D.

Date: February 17, 2023

Case: Kitchens, Jr. -v- National Board of Medical Examiners

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Transcript of Marcus Kitchens, Jr., M.D.

20 (77 to 80)

February 17, 2023

<p>77</p> <p>1 A. I don't recall any emails from them. The only 2 thing I do know is that I sent in -- I sent 3 communications in for the accommodations and then I got 4 my -- then I received this. 5 Q. Okay. Did you get any communications from your 6 medical school telling you that they were going to give 7 you permission to test with extra time? 8 A. My medical school -- I think from that email 9 when I sent it to them, I don't recall if I actually got 10 an email back or not from them. Because, again, when I 11 applied for this, I was already stateside whereas the 12 university is in Poland. It was all communicating via 13 email, et cetera. Yeah. 14 Q. Okay. And you were able to coordinate with 15 your university just by email? 16 A. I was able to communicate with them via email 17 for this recommendation, yes. 18 Q. Okay. And it says extended time here. It 19 doesn't say how much extended time. How much extended 20 time did you have on this exam? 21 A. I had 100 percent more time over one -- over 22 one day. 23 Q. Okay. 24 A. I didn't for the -- I just asked for 25 accommodations of extra -- of 100 percent more time and</p>	<p>79</p> <p>1 A. This was right before I graduated, Bob. I 2 graduated -- 3 Q. Okay. 4 A. -- in 2021 of January. 5 Q. So at this point you've had all your basic 6 science courses and at this point, you're -- you've 7 learned everything you're going to learn at medical 8 school that will help you take this exam; is that 9 right? 10 A. And I had been also studying consistently for 11 this exam. 12 Q. Okay. And -- 13 A. But one thing I -- but, you know, one thing 14 about this particular -- but, yes. That's it. 15 Q. Okay. 16 A. And we were actually getting ready to move as 17 well because my wife and I both graduated that same time 18 then. 19 Q. Okay. 20 A. And we were getting ready to move from Illinois 21 back down to Kentucky. 22 Q. Okay. And do you recall that when you sent in 23 that Prometric form saying that you had gotten extended 24 time that NBME asked you to send their score report from 25 that test administration?</p>
<p>78</p> <p>1 that's what I was given. At the time I didn't even 2 actually know that I could get it over the two days, 3 because if that was the case, I would have done that. 4 Because even if you need more time, if it's an 5 eight-hour exam, if I'm asking for 100 percent, we're 6 looking at 16 hours. How realistic is that? 7 Q. Yeah. 8 A. Not even for the person who's working there. 9 But they did -- one thing I will say is you can see -- 10 ah. You can see they have an exam time there of when 11 they started, but -- so the way it worked -- what I 12 remember specifically is that if you apply for 13 accommodations, I had to wait -- aha, yes, I had to wait 14 before I had to talk with -- I had to -- I applied for 15 it and then I had to talk with someone here in the 16 U.S.A. and the Prometric Center had to find a specific 17 day that I would be able to take the exam because they 18 have to make specific accommodations for who is going to 19 work, who is going to be there that entire day. So it 20 was the entire day of that -- that work shift. 21 Q. Okay. Now, this is December 10th, 2020. At 22 this point you have been in medical school for over 23 three years; is that right? 24 A. For this one here, this was -- 25 Q. In fact four years.</p>	<p>80</p> <p>1 A. I don't recall -- I don't remember that. 2 Q. All right. Well let me show you the report 3 that -- I will represent to you that that did happen 4 and -- 5 A. Okay. 6 Q. -- we will see in a minute in emails. But do 7 you recognize this document as the score report from 8 your December 2020 -- 9 A. Was that emailed -- was that emailed to me? I 10 think this is the first time I'm seeing this. 11 Q. Well let's go back. Actually -- 12 A. Did I send that to you? 13 Q. You sent this score report to us. 14 A. I sent this? Bob, are you sure that I sent 15 this to you? 16 Q. Hold on. 17 A. Because I don't think I -- 18 Q. All right. You will see right here, that being 19 said, all medication has been blah, blah, blah. I'm 20 enclosing my documents from my CBSE examination. And 21 you will see here, NBME had contacted you. I apologize 22 here. 23 A. Okay. And that's what I sent to -- 24 Q. You see right this line I have got my cursor 25 on? Please provide a copy of your comprehensive basic</p>

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21 (81 to 84)

<p>81</p> <p>1 science exam as per your appointment confirmation from 2 Prometric that you submitted.</p> <p>3 A. Yes, yes. 4 Q. All right.</p> <p>5 A. And -- but if you could scroll back up to that 6 particular score there, because -- 7 Q. I will scroll back.</p> <p>8 A. -- one thing that I want to make clear on, as I 9 was saying beforehand about this particular -- 10 particular score here, as I was saying before, we 11 were -- we were just getting ready to graduate and we 12 was also in the point of moving, and for this particular 13 exam, even though I went in and took the CBSE 14 examination, I can take this exam as many times as I 15 want to and I know that. It has an unlimited amount of 16 chance. We had family, everybody was there helping us 17 pack up and move, I knew this score was going to be bad 18 anyway, and so the importance of that exam, even though 19 I was studying for it, does not accurately reflect my 20 level of knowledge or expertise in certain areas by this 21 particular examination. So I'm glad you brought that 22 up.</p> <p>23 Q. All right. Because by this point you just told 24 me you were studying a lot, you had taken all of your 25 medical school classes, and this is an exam that will</p>	<p>83</p> <p>1 chance, yes, I do. 2 Q. Okay.</p> <p>3 A. I can read that, yes. 4 Q. Okay.</p> <p>5 A. But it was also in their same argument that 6 they said that it's likely but it doesn't mean that's 7 what you are going to get. So thank you. Yeah.</p> <p>8 Q. All right. So in all events, the bottom line 9 is when you took this exam, having concluded all of your 10 medical school programs and having studied a lot for the 11 exam, you scored a 156 and the minimum passing score on 12 STEP 1 at that time was 194?</p> <p>13 A. And, again, we have to understand that there 14 was different variables that was in place that I even -- 15 what I just mentioned before. I knew that I could take 16 this exam 1,001, times and it doesn't reflect anything 17 on my medical transcript, with my university, with my 18 residency program. I had family and such that was in 19 town. I went in there because I just took -- I paid the 20 money so I could hurry up and take the examination and 21 then also get back to my family so that we can move me 22 across the country the very next day.</p> <p>23 Q. Okay. You obviously took it seriously because 24 you were studying hard and you went to the trouble to 25 get extra testing time, so you are not suggesting that</p>
<p>82</p> <p>1 give you a sense of how you're going to perform on STEP 2 1; isn't that right, Marcus?</p> <p>3 A. No, it is not correct, Bob. This particular 4 examination, and it's even on your website saying that 5 this is not a score that is indicative to how you will 6 perform on the USMLE.</p> <p>7 This particular exam also, Bob, is 8 completely -- even though they may be what they -- I 9 think people said they were -- they were written by NBME 10 or they were like retired questions or something like 11 this, I don't know how true that is, but they are not 12 as -- I don't know if you have ever seen a sample of the 13 CBSE or of the -- or of the average -- or of the USMLE 14 STEP 1 and STEP 2 examinations. It is a completely 15 longer question being asked on the USMLE than it is on 16 the CBSE. And, yes, it might be a margin, but even when 17 I -- when I spoke with the NBME, they even affirmed that 18 it does not give a indication of what you would score on 19 your exam because there are so many -- 20 Q. All right.</p> <p>21 A. -- other variants that can be in play there. 22 Q. Okay. I mean you see what I inartfully 23 highlighted here where it says, this will give you a 24 sense of your likely performance on STEP 1? 25 A. Right. So it would give a sense of my likely</p>	<p>84</p> <p>1 you didn't approach this seriously, are you? 2 A. I'm -- what I'm saying to you -- even though I 3 have studied hard, Bob -- 4 Q. Yeah.</p> <p>5 A. -- as I mentioned before, I had other pressures 6 that -- pressures that were there and so those things 7 were more important than me sitting down for this exam 8 because, again, I know that this has nothing to do with 9 my medical transcript at all. This was only for my 10 benefit to see. And I could also do this at home as 11 well.</p> <p>12 Q. Okay.</p> <p>13 A. The price doesn't change. 14 Q. Did you take any other subject matter exams at 15 Prometric Centers? 16 A. Like in the past or like in general? 17 Q. Yeah, in general.</p> <p>18 A. Oh, yes. Yes. In general, yes. My MCAT was 19 at -- both times was at the -- 20 Q. I'm sorry, Marcus. I mean subject matter 21 exams like the CBSE, any similar exams like that, shelf 22 exams? 23 A. No, we didn't have to -- some schools require 24 those shelf exams, some schools do not. To my 25 recollection, I don't remember taking another one</p>

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